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FILED

Date 11/18/14 By

Susan Saylor

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-29

13 **VINCENT W. SYZEMORE**
14 **1175 Ranchero Way, Unit # 15**
15 **San Jose, CA 95117**

A C C U S A T I O N

16 **Field Representative License No. FR 32775 -**
17 **Branch 2**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the
21 Registrar/Executive Officer of the Structural Pest Control Board (Board), Department of
22 Consumer Affairs.

23 2. On or about October 3, 2000, the Board issued Field Representative License Number
24 FR 32775 - Branch 2, to Vincent W. Syzmore (Respondent). The Field Representative License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 June 30, 2015, unless renewed.

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3. On or about May 23, 1995, the Board issued Applicator's License Number RA 1733 - Branch 2, to Respondent. The Applicator's License expired on May 23, 2001, and has not been renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Code section 8625 states that, "[t]he lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration."

STATUTORY AND REGULATORY PROVISIONS

6. Code section 8593 provides, in pertinent part, that:

"(a) The board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license.

7. Code section 8637 states that, "[m]isrepresentation of a material fact by the applicant in obtaining a license or company registration is a ground for disciplinary action."

8. Code section 8641 states:

"Failure to comply with the provisions of this chapter, or any rule or regulation adopted by the board, or the furnishing of a report of inspection without the making of a bona fide inspection of the premises for wood-destroying pests or organisms, or furnishing a notice of work completed

1 prior to the completion of the work specified in the contract, is a ground for disciplinary action."

2 9. California Code of Regulations, title 16, section 1950, states:

3 "(a) Except as provided in section 1951, every licensee is required, as a condition to renewal
4 of a license, to certify that he or she has completed the continuing education requirements set forth
5 in this article. A licensee who cannot verify completion of continuing education by producing
6 certificates of activity completion, whenever requested to do so by the Board, may be subject to
7 disciplinary action under section 8641 of the code.

8 "(b) Each licensee is required to complete a certain number of continuing education hours
9 during the three year renewal period. The number of hours required depends on the number of
10 branches of pest control in which licenses are held. The subject matter covered by each activity
11 shall be designated as "technical" or "general" by the Board when the activity is approved. Hour
12 values shall be assigned by the Board to each approved educational activity, in accordance with the
13 provisions of section 1950.5.

14 "..."

15 "(d) Field representatives licensed in one branch of pest control shall have completed 16
16 continuing education hours, field representatives licensed in two branches of pest control shall
17 have completed 20 continuing education hours, field representatives licensed in three branches of
18 pest control shall have completed 24 continuing education hours during each three year renewal
19 period. In each case, a minimum of four continuing education hours in a technical subject directly
20 related to each branch of pest control held by the licensee must be completed for each branch of
21 pest control licensed, a minimum of two hours in Integrated Pest Management must be completed
22 by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours
23 must be completed from Board approved courses on the Structural Pest Control Act, the Rules
24 and Regulations, or structural pest control related agencies' rules and regulations.

25 COST RECOVERY

26 10. Code section 125.3 states, in pertinent part, that a Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case.

2 FACTUAL BACKGROUND

3 11. On or about May 6, 2012, Respondent certified under penalty of perjury, on his Field
4 Representative license renewal form, that he had completed 16 hours of continuing education.

5 12. On or about November 28, 2012, Respondent was selected for a continuing education
6 audit and told to submit proof of competition to the Board. Respondent failed to do so.

7 FIRST CAUSE FOR DISCIPLINE

8 (Failure to Submit Proof of Continuing Education)

9 13. Respondent's Field Representative License is subject to disciplinary action under Code
10 sections 8461, in that Respondent failed to provide proof he completed the continuing education
11 hours, as required by Code section 8593, and California Code of Regulations, title 16, section
12 1950, as described in paragraphs 11 and 12, above.

13 SECOND CAUSE FOR DISCIPLINE

14 (Misrepresentation of Material Fact)

15 14. Respondent's Field Representative License is subject to disciplinary action under Code
16 sections 8637 and 8641, in that he misrepresented, on his Field Representative License renewal
17 form, that he had completed 16 hours of continuing education, as described in paragraphs 11 and
18 12, above.

19 OTHER MATTERS

20 15. Notice is hereby given that Code section 8620 provides, in pertinent part, that a
21 Respondent may request that a civil penalty of not more than \$5,000 be assessed in lieu of an
22 actual suspension of 1 to 19 days, or not more than \$10,000 for an actual suspension of 20 to 45
23 days. Such request must be made at the time of the hearing and must be noted in the proposed
24 decision. The proposed decision shall not provide that a civil penalty shall be imposed in lieu of a
25 suspension.

26 16. Pursuant to Code section 8654, if discipline is imposed on Respondent's Field
27 Representative License, then Respondent shall be prohibited from serving as an officer, director,
28 associate, partner, qualifying manager, or responsible managing employee for any registered

1 company during the time the discipline is imposed, and any registered company which employs,
2 elects, or associates him, shall be subject to disciplinary action.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Structural Pest Control Board issue a decision:

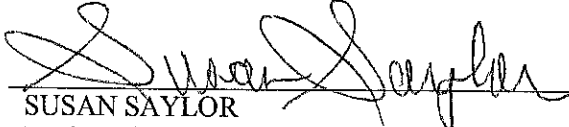
6 1. Revoking or suspending Field Representative License Number FR 32775 - Branch 2,
7 issued to Vincent W. Syzmore;

8 2. Prohibiting Vincent W. Syzmore from serving as an officer, director, associate,
9 partner, qualifying manager, or responsible managing employee for any registered company during
10 the time that discipline is imposed on Field Representative License Number FR 32775 - Branch 2,
11 issued to Vincent W. Syzmore;

12 3. Ordering Vincent W. Syzmore to pay the Structural Pest Control Board the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3;

15 4. Taking such other and further action as deemed necessary and proper.
16
17

18 DATED: 11/18/14


19 SUSAN SAYLOR
20 Registrar/Executive Officer
21 Structural Pest Control Board
22 Department of Consumer Affairs
23 State of California
24 Complainant

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